

within the reach of that agreement.’’ Samsung Mot. at 5 (citing *Complaint of Hornbeck Offshore (1984) Corp.*, 981 F.2d 752, 754 (5th Cir. 1993)). Accordingly, while the Administrative Law Judge only needed to determine whether or not Samsung’s arguments were *wholly groundless*, the Court must decide whether Samsung’s arguments are *correct*.

Second, ITC decisions are not legally binding on federal district courts. *See, e.g., Rapistan Sys. Advertising Corp. v. Daifuki Am. Corp.*, No. A-03-CA-682-LY, 2006 U.S. Dist. LEXIS 100612, at *8 (W.D. Tex. Feb. 9, 2006) (‘‘Even Federal Circuit decisions regarding ITC determinations have no preclusive effect on subsequent litigation.’’); *Tandon Corp. v. ITC*, 831 F.2d 1017 (Fed. Cir. 1987) (‘‘Therefore, it seems clear that any disposition of a Commission action by a Federal Court should not have a res judicata or collateral estoppel effect in cases before such courts.’’). Therefore, the Court is free to evaluate Samsung’s motion based on its own judgment, independent of the ITC’s ruling.

Third, as set forth in Tessera’s petition for review filed at the ITC, the Administrative Law Judge’s reasoning and conclusions were simply wrong, both as a matter of fact and law. Among other things, the Administrative Law Judge ignored that the arbitration clause in the Samsung-Matsushita agreement expressly limits the requirement to arbitrate only to the ‘‘Parties,’’ an expressly defined term that only includes Samsung and Matsushita, and not their successors or assigns. Tessera never agreed to arbitration and the plain terms of the agreement do not extend the arbitration clause to non-signatories who are not ‘‘Parties.’’ For the Court’s convenience, the public version of Tessera’s petition for review is attached to this response.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all counsel of record who have consented to electronic service as this district requires in accordance with Local Rule CV-5(a)(3)(A) on this 23rd day of June 2018.

/s/ Claire Henry